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AT LYNCHBURG, VA
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6/17/2022
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

UNITED STATES OF AMERICA

CASE NO. 6:22-cv-00028

v.

PRELIMINARY INJUNCTION

ENVIGO RMS, LLC,

JUDGE NORMAN K. MOON

Defendant.

In accordance with the accompanying memorandum opinion, the Government's motion for a preliminary injunction, Dkt. 17, is **GRANTED** in part and **DENIED** in part. Defendant and its agents, servants, employees, and anyone who works in active concert with Defendant is **ORDERED** to comply with the following:

1. Within 24 hours of the Court's Order, ensure that potable water is continuously available to all beagles at the Cumberland facility, consistent with 9 C.F.R. § 3.10(a).
2. Within 7 days of this Order, ensure that each dog and puppy is provided the minimum amount of floor space consistent with 9 C.F.R. § 3.6(c)(1)(i) and every nursing dog is provided the minimum amount of floor space consistent with 9 C.F.R. 3.6(c)(1)(ii).
3. Within 7 days of this Order and thereafter, ensure that every primary enclosure housing beagles is free of excessive rust, jagged edges, sharp points, and is otherwise maintained consistent with 9 C.F.R. § 3.1(a), (c)(1).
4. Within 7 days of this Order and thereafter, ensure that every primary enclosure housing beagles is maintained, cleaned, and sanitized consistent with 9 C.F.R. § 3.1(c)(3) and 3.11.

5. Within 7 days of this Order and thereafter, ensure that every primary enclosure housing beagles allows the beagles to remain dry and clean, consistent with 9 C.F.R. § 3.6(a)(2)(v).
6. Ensure that every beagle is provided uncontaminated, wholesome, palatable food of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition. Envigo must feed each beagle at least once a day. Envigo must seek consent of counsel for the United States or, if counsel does not consent, a court order to feed any animal less than once a day. *See* 9 C.F.R. § 3.9.
7. Provide adequate veterinary care to all dogs and puppies consistent with 9 C.F.R. § 2.40. Veterinary care, including dental work, shall be provided by a licensed veterinarian. For any veterinary care provided to any dog or puppy at the Cumberland Facility, provide medical records to counsel for the United States within 72 hours of the animal receiving care or treatment. All medical records must comply with 9 C.F.R. § 3.13(b), and must include:
 - a. The unique identification number, identifying mark, sex, and age of the beagle;
 - b. If a problem is identified (such as a disease, injury, or illness), the date and description of the problem, examination findings, test results, plan for treatment and care, and treatment procedures performed, when appropriate;
 - c. The names of all vaccines and treatments administered and the dates of administration;
 - d. The dates and findings/results of any screening, routine, or other required or recommended test or examination.
8. Provide notice to counsel for the United States within 72 hours of any dog or puppy found having injuries attributable to or consistent with a fight, as well as wounds of an unknown cause, including lacerations to ears and tail injuries.
9. Have a licensed veterinarian document the death of any dog or puppy and timely perform a necropsy.
10. Provide notice and a copy of the necropsy report to counsel for the United States within 72 hours of receiving the necropsy report from the veterinarian.

11. Immediately cease disposing of any beagle at the Cumberland facility by transferring from the Cumberland Facility or euthanizing any beagle at the Cumberland facility, except that Envigo may transfer animals to fulfill existing contracts. For purposes of this Order, “existing contracts” is defined to include only contracts (1) executed prior to the date the Court’s TRO was issued (May 21, 2022) and (2) for animals bred in the Cumberland facility. No transfer pursuant to an existing contract may take place unless first reviewed for authenticity and approved by counsel for the Government. Envigo is also required to seek consent of counsel for the United States or, if they do not consent, a court order to transfer other than pursuant to an existing contract or to euthanize any beagle at the Cumberland Facility. Any euthanasia must be performed by a licensed veterinarian or a licensed veterinary technician who is acting under the direct supervision of a licensed veterinarian.
12. Immediately cease breeding, selling, or otherwise dealing in beagles at the Cumberland Facility until in full compliance with the terms of this Order, except that Envigo may fulfill its existing contracts pursuant to the review process outlined above.
13. Provide notice to counsel for the United States within 72 hours of the birth of any puppies, including the number of puppies born, the unique identification number of the dam, and the sex and unique identification numbers assigned to the puppies.
14. Permit unencumbered access to the Cumberland Facility by the United States, its agents, and any contractor assisting the United States to check for compliance with this Order.

To better facilitate a speedy resolution, both parties are further **DIRECTED** to confer and inform the Court, by 5:00 p.m. on Wednesday June 22, 2022, of their plan for transferring all remaining animals out of the Cumberland facility.

The Clerk of the Court is hereby directed to send this order to all counsel of record.

Entered this 17th day of June 2022.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE